

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

THOMAS H. KRAKAUER,
on behalf of a class of persons,

Plaintiff,

v.

Civil Action No. 1:14-cv-00333-CCE-JEP

DISH NETWORK, L.L.C.,

Defendant.

**PLAINTIFF'S MOTION FOR ENTRY OF ORDER GOVERNING
DISPOSITION OF UNDISBURSED CLASS FUNDS**

In accordance with the April 5, 2018 Order on Claims Procedures, *see* ECF No. 441, Plaintiff Thomas H. Krakauer, on behalf of the Class, moves the Court for entry of an Order governing the disposition of Class funds remaining undisbursed at the conclusion of the claims process. In so moving, Plaintiff confirms that, in adherence to the Court's instructions, the parties have attempted to agree on the disposition of the undisbursed funds by first exchanging proposed orders, after which counsel met and conferred to resolve the parties' differences as reflected in the respective proposals. Nonetheless, no agreement has been reached.

For the reasons set forth in the accompanying Memorandum of Law, Plaintiff respectfully requests that the Court rule substantially in conformance with the attached proposed Order and direct: (i) with respect to the 4,561 "Category 3" Class members who did not submit claims and are not on the final list, but who are identified by name

and address, disbursement of \$595 each to the unclaimed property fund of the state or of the District of Columbia, in alignment with the last known address of those respective Class members; and (ii) with respect to the remaining unclaimed funds, disbursement to one or more *cy pres* recipients deemed worthy by the Court.

THOMAS H. KRAKAUER
By Counsel

/s/ John W. Barrett
John W. Barrett
Brian A. Glasser
Benjamin J. Hogan
Bailey & Glasser LLP
209 Capitol Street
Charleston, WV 25301
Telephone: (304) 345-6555
jbarrett@baileyglasser.com

/s/ J. Matthew Norris
J. Matthew Norris
Norris Law Firm, PLLC
1033 Bullard Court, Suite 207
Raleigh, NC 27615
(919) 981-4775
(919) 926-1676 facsimile
jmn@ncconsumerlaw.com

Matthew P. McCue
The Law Office of Matthew P. McCue
1 South Ave., Third Floor
Natick, MA 01760
Telephone: (508) 655-1415
mmcue@massattorneys.net

CERTIFICATE OF SERVICE

The undersigned counsel certifies that the foregoing was filed through this Court's CM/ECF system, and that all attorneys of record will be sent a copy of the same electronically through that system.

/s/ John W. Barrett
John W. Barrett

Dated: April 20, 2020